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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.) 2:12-CV-1014-RCJ-(GWF)
14 \$150,990.00 IN UNITED STATES)
CURRENCY,)
15 Defendant.)
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17 **UNITED STATES OF AMERICA’S UNOPPOSED MOTION TO STRIKE PART OF THE**
18 **NOTICE OF ELECTRONIC FILING IN ECF NO. 8, REQUIRING DISCOVERY**
PLAN/SCHEDULING ORDER BY 10/11/2012

19 The United States of America (“United States”), by and through Daniel G. Bogden,
20 United States Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United
21 States Attorney, respectfully moves this Honorable Court for an Order striking part of the Notice
22 of Electronic Filing in ECF No. 8, requiring “Discovery Plan/Scheduling Order due by
23 10/11/2012”. First Answer to Complaint (ECF No. 1) in Forfeiture, ECF No. 8.

24 The basis is as follows. Fed. R. Civ. P. 16(b) authorizes exemption of Discovery
25 Plan/Scheduling Order under local rules. A civil forfeiture in rem action is exempt from a
26 Discovery Plan/Scheduling Order under LR 16-1.


1 On November 15, 2012, the United States contacted Josh Tomscheck, attorney for
2 Alejandro Diaz-Flores. He has no objection to this Motion. This Motion is not submitted solely
3 for the purpose of delay or for any other improper purpose.

4 DATED this 15th day of November, 2012.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/Michael A. Humphreys
8 MICHAEL A. HUMPHREYS
9 Assistant United States Attorney

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11 IT IS SO ORDERED:

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13 UNITED STATES MAGISTRATE JUDGE
14 DATED: November 16, 2012
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PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individual was served with a copy of the foregoing Motion on November 15, 2012, by the below identified method of service:

CM/ECF:

Joshua Tomsheck
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Counsel for Claimant Alejandro Diaz-Flores

/s/ Elizabeth Baechler-Warren
Elizabeth Baechler-Warren
Forfeiture Support Associate Paralegal